

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 4916 of 2013 (O&M)
Date of Decision : 06.10.2016

Surjit Kaur and others

....Appellants

Versus

Gurmit Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sarju Puri, Advocate
for the appellants.

Surinder Gupta, J.

This is appeal by legal heirs of defendant no. 1-Jagat Singh against judgment dated 07.03.2013, passed by District Judge, Shaheed Bhagat Singh Nagar whereby appeal filed by defendant no. 2-Gurmit Singh in civil suit was dismissed.

2. Plaintiff-respondent no. 2 filed suit seeking the relief of specific performance of agreement to sell dated 24.06.2005, executed by defendant no. 1-Jagat Singh, predecessor-in-interest of appellant, which was decreed by Additional Civil Judge (Senior Division), Balachaur and defendant no. 1-Jagat Singh was directed to execute and get registered the sale deed as per agreement dated 24.06.2005 on receipt of balance sale consideration.

3. Appellants were impleaded as party in that civil suit on demise of defendant no. 1-Jagat Singh. It appears that they were satisfied with the decree and never filed appeal against the same. The decree passed by Additional Civil Judge (Senior Division), Balachaur has attained finality against them. Defendant no. 2-Gurmit Singh filed appeal against the judgment and decree passed by Additional Civil Judge (Senior Division),

Balachaur, which was dismissed. He has not come up with any appeal against the judgment and decree passed by Ist Appellate Court.

4. Faced with the situation, learned counsel for appellants could not counter the legal proposition that this appeal is not maintainable as judgment and decree of trial Court has attained finality against appellants. Consequently, he has not pressed application (CM No. 13212-C of 2013) filed under Order XLI Rule 27 CPC.

This appeal has no merit. Dismissed.

October 06, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No